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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 17/568**

**Appeal** by Tom Hutchinson of Castlecuff, Clonaslee, County Laois against the decision made on the 12<sup>th</sup> day of December, 2017 by Laois County Council to grant subject to conditions a permission to Louise Doheny care of JK Design of Tullamoy, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retain and upgrade existing entrance, retain new post and rail fencing at roadside and reinstatement of roadside hedge, retain driveway to yard, retain driveway culvert, retention of agricultural buildings as outlined below, and associated site works. Associated buildings are: (a) Retention of stables as built and planning permission to add extension (hay storage) to same (Building 1). (b) Retention of indoor sand arena as built (Building 2). (c) Retention of outdoor sand arena as built (Building 3). (d) Retention of horse lounge as built (Building 4). (e) Retention of four number horse shelters as built (Buildings 5a and 5b). (f) Retention of dungstead as constructed and planning permission for completion of same (Building 6). (g) Retention of haybarn (Building 7). All at Ballynahimmy, Clonaslee, County Laois.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Addendum report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives. The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Slieve Bloom Special Protection Area (Site Code: 004160), the River Nore and River Barrow Special Area of Conservation (Site Code: 02162) and the Clonaslee Eskers and Derry Bog Special Area of Conservation (Site Code: 000859), or any other European Site, in view of the sites' conservation objectives.

## Reasons and Considerations

Having regard to the provisions of the Laois County Development Plan 2017-2023 regarding agricultural structures, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The development proposed for retention and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of proposals to plant a replacement indigenous hedge shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order and the agreed hedge shall be planted in the first planting season following the planning authority's agreement. The hedge shall include indigenous planting and shall be provided in the first planting season following this decision. Any plants that die, are removed, or become seriously damaged or diseased, within a period of five years from the first planting season shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interest of visual amenity.

3. The external side and roof cladding of the sheds, shall be finished in a dark olive green colour throughout. No other colours shall be used.

**Reason:** In the interest of visual amenity and in order to integrate the development into the rural landscape.

4. (a) Proper provision shall be made to ensure that no surface water is diverted or allowed to flow onto the adjoining public road.
- (b) Provision shall be made to ensure that no surface water is diverted or allowed to flow off the public road onto the site, as a result of this development.
- (c) The existing road drainage system shall not be obstructed by the development.

**Reason:** In the interest of traffic safety and to prevent damage to the public road.

5. (a) All agricultural wastes, including slurry, farmyard manure, silage effluent and effluent arising from vegetable processing activities on site shall be collected and stored in tanks/pits with a minimum storage capacity of 16 weeks. Soiled water shall be collected and stored in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017, as amended. All agricultural buildings/structures shall be designed and constructed to Department of Agriculture building specifications.
- (b) All buildings shall be provided with gutters and down-pipes and these shall be maintained in a satisfactory condition. Clean surface water run-off from roof areas of the development shall not be discharged onto soiled yard areas. Roof rainwater and clean yard waters shall be discharged separately in closed pipes to a suitable soak-pit system as indicated in the site layout plan submitted to the planning authority.

- (c) All surface water gullies shall be designed, maintained and managed to ensure that no polluting matter enters the surface water collection/drainage system or groundwater.
- (d) Farmyard manure, slurry, silage effluent, soiled water and chemical fertilisers shall be land-spread in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017, as amended.
- (e) Farmyard manure shall not be stored in open yard areas on site.
- (f) Soiled yard areas shall be minimised in order to reduce the volumes of soiled water produced on site and to ensure the public road in proximity is maintained in a clean condition.
- (g) There shall be no change in the approved method of agricultural waste storage and disposal on site and livestock numbers shall not be increased in a manner that results in the storage requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017, as amended, being exceeded.

**Reason:** In the interests of public health and environmental protection.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**